



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5926

by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
235 ILCS 5/3-12  
235 ILCS 5/6-20 from Ch. 43, par. 134a  
235 ILCS 5/6-27.1 new

Amends the Liquor Control Act of 1934 and the Freedom of Information Act. Requires all alcohol servers to obtain and complete training in basic responsible alcohol service. Provides that the Illinois Liquor Control Commission shall approve training programs that meet certain specified criteria for content, method of instruction, and ability to provide information about whether a server has completed the training program. Provides that materials submitted to the Commission for training program approval shall be exempt from disclosure under the Freedom of Information Act. Requires the Commission to issue a State seal file and approval number to providers who are approved to conduct a responsible alcohol service training program. Provides that a certificate of training is valid for 3 years. Provides that before January 1, 2016, enforcement of the provisions shall be limited to education and notification of the requirements. Makes other changes. Effective immediately.

LRB098 20305 RPS 55746 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential under  
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying  
13 library users with specific materials under the Library Records  
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records  
16 received by the Experimental Organ Transplantation Procedures  
17 Board and any and all documents or other records prepared by  
18 the Experimental Organ Transplantation Procedures Board or its  
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of  
21 Public Health and its authorized representatives relating to  
22 known or suspected cases of sexually transmissible disease or  
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under  
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the  
5 Architectural, Engineering, and Land Surveying Qualifications  
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and  
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under  
10 the State Officials and Employees Ethics Act, and records of  
11 any lawfully created State or local inspector general's office  
12 that would be exempt if created or obtained by an Executive  
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan  
15 submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under Section  
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of  
19 surcharge moneys collected and remitted by wireless carriers  
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or  
22 driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation under  
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review  
2 Team Act.

3 (m) Information provided to the predatory lending database  
4 created pursuant to Article 3 of the Residential Real Property  
5 Disclosure Act, except to the extent authorized under that  
6 Article.

7 (n) Defense budgets and petitions for certification of  
8 compensation and expenses for court appointed trial counsel as  
9 provided under Sections 10 and 15 of the Capital Crimes  
10 Litigation Act. This subsection (n) shall apply until the  
11 conclusion of the trial of the case, even if the prosecution  
12 chooses not to pursue the death penalty prior to trial or  
13 sentencing.

14 (o) Information that is prohibited from being disclosed  
15 under Section 4 of the Illinois Health and Hazardous Substances  
16 Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of the  
21 Regional Transportation Authority Act or the St. Clair County  
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the  
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the  
26 Illinois School Student Records Act.

1           (s) Information the disclosure of which is restricted under  
2 Section 5-108 of the Public Utilities Act.

3           (t) All identified or deidentified health information in  
4 the form of health data or medical records contained in, stored  
5 in, submitted to, transferred by, or released from the Illinois  
6 Health Information Exchange, and identified or deidentified  
7 health information in the form of health data and medical  
8 records of the Illinois Health Information Exchange in the  
9 possession of the Illinois Health Information Exchange  
10 Authority due to its administration of the Illinois Health  
11 Information Exchange. The terms "identified" and  
12 "deidentified" shall be given the same meaning as in the Health  
13 Insurance Accountability and Portability Act of 1996, Public  
14 Law 104-191, or any subsequent amendments thereto, and any  
15 regulations promulgated thereunder.

16           (u) Records and information provided to an independent team  
17 of experts under Brian's Law.

18           (v) Names and information of people who have applied for or  
19 received Firearm Owner's Identification Cards under the  
20 Firearm Owners Identification Card Act or applied for or  
21 received a concealed carry license under the Firearm Concealed  
22 Carry Act, unless otherwise authorized by the Firearm Concealed  
23 Carry Act; and databases under the Firearm Concealed Carry Act,  
24 records of the Concealed Carry Licensing Review Board under the  
25 Firearm Concealed Carry Act, and law enforcement agency  
26 objections under the Firearm Concealed Carry Act.

1 (w) Personally identifiable information which is exempted  
2 from disclosure under subsection (g) of Section 19.1 of the  
3 Toll Highway Act.

4 (x) Information which is exempted from disclosure under  
5 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
6 Illinois Municipal Code.

7 (y) Confidential information under the Adult Protective  
8 Services Act and its predecessor enabling statute, the Elder  
9 Abuse and Neglect Act, including information about the identity  
10 and administrative finding against any caregiver of a verified  
11 and substantiated decision of significant abuse, neglect, or  
12 financial exploitation of an eligible adult maintained in the  
13 Department of Public Health's Health Care Worker Registry.

14 (z) Records and information provided to an at-risk adult  
15 fatality review team or the Illinois At-Risk Adult Fatality  
16 Review Team Advisory Council under Section 15 of the Adult  
17 Protective Services Act.

18 (aa) Information that is exempted from disclosure under  
19 Section 6-27.1 of the Liquor Control Act of 1934.

20 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
21 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
22 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

23 Section 10. The Liquor Control Act of 1934 is amended by  
24 changing Sections 3-12 and 6-20 and by adding Section 6-27.1 as  
25 follows:

1 (235 ILCS 5/3-12)

2 Sec. 3-12. Powers and duties of State Commission.

3 (a) The State commission shall have the following powers,  
4 functions and duties:

5 (1) To receive applications and to issue licenses to  
6 manufacturers, foreign importers, importing distributors,  
7 distributors, non-resident dealers, on premise consumption  
8 retailers, off premise sale retailers, special event  
9 retailer licensees, special use permit licenses, auction  
10 liquor licenses, brew pubs, caterer retailers,  
11 non-beverage users, railroads, including owners and  
12 lessees of sleeping, dining and cafe cars, airplanes,  
13 boats, brokers, and wine maker's premises licensees in  
14 accordance with the provisions of this Act, and to suspend  
15 or revoke such licenses upon the State commission's  
16 determination, upon notice after hearing, that a licensee  
17 has violated any provision of this Act or any rule or  
18 regulation issued pursuant thereto and in effect for 30  
19 days prior to such violation. Except in the case of an  
20 action taken pursuant to a violation of Section 6-3, 6-5,  
21 or 6-9, any action by the State Commission to suspend or  
22 revoke a licensee's license may be limited to the license  
23 for the specific premises where the violation occurred.

24 In lieu of suspending or revoking a license, the  
25 commission may impose a fine, upon the State commission's

1 determination and notice after hearing, that a licensee has  
2 violated any provision of this Act or any rule or  
3 regulation issued pursuant thereto and in effect for 30  
4 days prior to such violation. The fine imposed under this  
5 paragraph may not exceed \$500 for each violation. Each day  
6 that the activity, which gave rise to the original fine,  
7 continues is a separate violation. The maximum fine that  
8 may be levied against any licensee, for the period of the  
9 license, shall not exceed \$20,000. The maximum penalty that  
10 may be imposed on a licensee for selling a bottle of  
11 alcoholic liquor with a foreign object in it or serving  
12 from a bottle of alcoholic liquor with a foreign object in  
13 it shall be the destruction of that bottle of alcoholic  
14 liquor for the first 10 bottles so sold or served from by  
15 the licensee. For the eleventh bottle of alcoholic liquor  
16 and for each third bottle thereafter sold or served from by  
17 the licensee with a foreign object in it, the maximum  
18 penalty that may be imposed on the licensee is the  
19 destruction of the bottle of alcoholic liquor and a fine of  
20 up to \$50.

21 (2) To adopt such rules and regulations consistent with  
22 the provisions of this Act which shall be necessary to  
23 carry on its functions and duties to the end that the  
24 health, safety and welfare of the People of the State of  
25 Illinois shall be protected and temperance in the  
26 consumption of alcoholic liquors shall be fostered and

1 promoted and to distribute copies of such rules and  
2 regulations to all licensees affected thereby.

3 (3) To call upon other administrative departments of  
4 the State, county and municipal governments, county and  
5 city police departments and upon prosecuting officers for  
6 such information and assistance as it deems necessary in  
7 the performance of its duties.

8 (4) To recommend to local commissioners rules and  
9 regulations, not inconsistent with the law, for the  
10 distribution and sale of alcoholic liquors throughout the  
11 State.

12 (5) To inspect, or cause to be inspected, any premises  
13 in this State where alcoholic liquors are manufactured,  
14 distributed, warehoused, or sold.

15 (5.1) Upon receipt of a complaint or upon having  
16 knowledge that any person is engaged in business as a  
17 manufacturer, importing distributor, distributor, or  
18 retailer without a license or valid license, to notify the  
19 local liquor authority, file a complaint with the State's  
20 Attorney's Office of the county where the incident  
21 occurred, or initiate an investigation with the  
22 appropriate law enforcement officials.

23 (5.2) To issue a cease and desist notice to persons  
24 shipping alcoholic liquor into this State from a point  
25 outside of this State if the shipment is in violation of  
26 this Act.

1           (5.3) To receive complaints from licensees, local  
2 officials, law enforcement agencies, organizations, and  
3 persons stating that any licensee has been or is violating  
4 any provision of this Act or the rules and regulations  
5 issued pursuant to this Act. Such complaints shall be in  
6 writing, signed and sworn to by the person making the  
7 complaint, and shall state with specificity the facts in  
8 relation to the alleged violation. If the Commission has  
9 reasonable grounds to believe that the complaint  
10 substantially alleges a violation of this Act or rules and  
11 regulations adopted pursuant to this Act, it shall conduct  
12 an investigation. If, after conducting an investigation,  
13 the Commission is satisfied that the alleged violation did  
14 occur, it shall proceed with disciplinary action against  
15 the licensee as provided in this Act.

16           (6) To hear and determine appeals from orders of a  
17 local commission in accordance with the provisions of this  
18 Act, as hereinafter set forth. Hearings under this  
19 subsection shall be held in Springfield or Chicago, at  
20 whichever location is the more convenient for the majority  
21 of persons who are parties to the hearing.

22           (7) The commission shall establish uniform systems of  
23 accounts to be kept by all retail licensees having more  
24 than 4 employees, and for this purpose the commission may  
25 classify all retail licensees having more than 4 employees  
26 and establish a uniform system of accounts for each class

1 and prescribe the manner in which such accounts shall be  
2 kept. The commission may also prescribe the forms of  
3 accounts to be kept by all retail licensees having more  
4 than 4 employees, including but not limited to accounts of  
5 earnings and expenses and any distribution, payment, or  
6 other distribution of earnings or assets, and any other  
7 forms, records and memoranda which in the judgment of the  
8 commission may be necessary or appropriate to carry out any  
9 of the provisions of this Act, including but not limited to  
10 such forms, records and memoranda as will readily and  
11 accurately disclose at all times the beneficial ownership  
12 of such retail licensed business. The accounts, forms,  
13 records and memoranda shall be available at all reasonable  
14 times for inspection by authorized representatives of the  
15 State commission or by any local liquor control  
16 commissioner or his or her authorized representative. The  
17 commission, may, from time to time, alter, amend or repeal,  
18 in whole or in part, any uniform system of accounts, or the  
19 form and manner of keeping accounts.

20 (8) In the conduct of any hearing authorized to be held  
21 by the commission, to appoint, at the commission's  
22 discretion, hearing officers to conduct hearings involving  
23 complex issues or issues that will require a protracted  
24 period of time to resolve, to examine, or cause to be  
25 examined, under oath, any licensee, and to examine or cause  
26 to be examined the books and records of such licensee; to

1       hear testimony and take proof material for its information  
2       in the discharge of its duties hereunder; to administer or  
3       cause to be administered oaths; for any such purpose to  
4       issue subpoena or subpoenas to require the attendance of  
5       witnesses and the production of books, which shall be  
6       effective in any part of this State, and to adopt rules to  
7       implement its powers under this paragraph (8).

8             Any Circuit Court may by order duly entered, require  
9       the attendance of witnesses and the production of relevant  
10      books subpoenaed by the State commission and the court may  
11      compel obedience to its order by proceedings for contempt.

12            (9) To investigate the administration of laws in  
13      relation to alcoholic liquors in this and other states and  
14      any foreign countries, and to recommend from time to time  
15      to the Governor and through him or her to the legislature  
16      of this State, such amendments to this Act, if any, as it  
17      may think desirable and as will serve to further the  
18      general broad purposes contained in Section 1-2 hereof.

19            (10) To adopt such rules and regulations consistent  
20      with the provisions of this Act which shall be necessary  
21      for the control, sale or disposition of alcoholic liquor  
22      damaged as a result of an accident, wreck, flood, fire or  
23      other similar occurrence.

24            (11) To develop industry educational programs related  
25      to responsible serving and selling, particularly in the  
26      areas of overserving consumers and illegal underage

1 purchasing and consumption of alcoholic beverages.

2 (11.1) To license persons providing education and  
3 training to alcohol beverage sellers and servers under  
4 Section 6-27.1 of this Act, if a program under that Section  
5 is available, or the Beverage Alcohol Sellers and Servers  
6 Education and Training (BASSET) programs, if a program  
7 under Section 6-27.1 of this Act is unavailable, and to  
8 develop and administer a public awareness program in  
9 Illinois to reduce or eliminate the illegal purchase and  
10 consumption of alcoholic beverage products by persons  
11 under the age of 21. Application for a license shall be  
12 made on forms provided by the State Commission.

13 (12) To develop and maintain a repository of license  
14 and regulatory information.

15 (13) On or before January 15, 1994, the Commission  
16 shall issue a written report to the Governor and General  
17 Assembly that is to be based on a comprehensive study of  
18 the impact on and implications for the State of Illinois of  
19 Section 1926 of the Federal ADAMHA Reorganization Act of  
20 1992 (Public Law 102-321). This study shall address the  
21 extent to which Illinois currently complies with the  
22 provisions of P.L. 102-321 and the rules promulgated  
23 pursuant thereto.

24 As part of its report, the Commission shall provide the  
25 following essential information:

26 (i) the number of retail distributors of tobacco

1 products, by type and geographic area, in the State;

2 (ii) the number of reported citations and  
3 successful convictions, categorized by type and  
4 location of retail distributor, for violation of the  
5 Prevention of Tobacco Use by Minors and Sale and  
6 Distribution of Tobacco Products Act and the Smokeless  
7 Tobacco Limitation Act;

8 (iii) the extent and nature of organized  
9 educational and governmental activities that are  
10 intended to promote, encourage or otherwise secure  
11 compliance with any Illinois laws that prohibit the  
12 sale or distribution of tobacco products to minors; and

13 (iv) the level of access and availability of  
14 tobacco products to individuals under the age of 18.

15 To obtain the data necessary to comply with the  
16 provisions of P.L. 102-321 and the requirements of this  
17 report, the Commission shall conduct random, unannounced  
18 inspections of a geographically and scientifically  
19 representative sample of the State's retail tobacco  
20 distributors.

21 The Commission shall consult with the Department of  
22 Public Health, the Department of Human Services, the  
23 Illinois State Police and any other executive branch  
24 agency, and private organizations that may have  
25 information relevant to this report.

26 The Commission may contract with the Food and Drug

1 Administration of the U.S. Department of Health and Human  
2 Services to conduct unannounced investigations of Illinois  
3 tobacco vendors to determine compliance with federal laws  
4 relating to the illegal sale of cigarettes and smokeless  
5 tobacco products to persons under the age of 18.

6 (14) On or before April 30, 2008 and every 2 years  
7 thereafter, the Commission shall present a written report  
8 to the Governor and the General Assembly that shall be  
9 based on a study of the impact of this amendatory Act of  
10 the 95th General Assembly on the business of soliciting,  
11 selling, and shipping wine from inside and outside of this  
12 State directly to residents of this State. As part of its  
13 report, the Commission shall provide all of the following  
14 information:

15 (A) The amount of State excise and sales tax  
16 revenues generated.

17 (B) The amount of licensing fees received.

18 (C) The number of cases of wine shipped from inside  
19 and outside of this State directly to residents of this  
20 State.

21 (D) The number of alcohol compliance operations  
22 conducted.

23 (E) The number of winery shipper's licenses  
24 issued.

25 (F) The number of each of the following: reported  
26 violations; cease and desist notices issued by the

1 Commission; notices of violations issued by the  
2 Commission and to the Department of Revenue; and  
3 notices and complaints of violations to law  
4 enforcement officials, including, without limitation,  
5 the Illinois Attorney General and the U.S. Department  
6 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

7 (15) As a means to reduce the underage consumption of  
8 alcoholic liquors, the Commission shall conduct alcohol  
9 compliance operations to investigate whether businesses  
10 that are soliciting, selling, and shipping wine from inside  
11 or outside of this State directly to residents of this  
12 State are licensed by this State or are selling or  
13 attempting to sell wine to persons under 21 years of age in  
14 violation of this Act.

15 (16) The Commission shall, in addition to notifying any  
16 appropriate law enforcement agency, submit notices of  
17 complaints or violations of Sections 6-29 and 6-29.1 by  
18 persons who do not hold a winery shipper's license under  
19 this amendatory Act to the Illinois Attorney General and to  
20 the U.S. Department of Treasury's Alcohol and Tobacco Tax  
21 and Trade Bureau.

22 (17) (A) A person licensed to make wine under the laws  
23 of another state who has a winery shipper's license under  
24 this amendatory Act and annually produces less than 25,000  
25 gallons of wine or a person who has a first-class or  
26 second-class wine manufacturer's license, a first-class or

1 second-class wine-maker's license, or a limited wine  
2 manufacturer's license under this Act and annually  
3 produces less than 25,000 gallons of wine may make  
4 application to the Commission for a self-distribution  
5 exemption to allow the sale of not more than 5,000 gallons  
6 of the exemption holder's wine to retail licensees per  
7 year.

8 (B) In the application, which shall be sworn under  
9 penalty of perjury, such person shall state (1) the  
10 date it was established; (2) its volume of production  
11 and sales for each year since its establishment; (3)  
12 its efforts to establish distributor relationships;  
13 (4) that a self-distribution exemption is necessary to  
14 facilitate the marketing of its wine; and (5) that it  
15 will comply with the liquor and revenue laws of the  
16 United States, this State, and any other state where it  
17 is licensed.

18 (C) The Commission shall approve the application  
19 for a self-distribution exemption if such person: (1)  
20 is in compliance with State revenue and liquor laws;  
21 (2) is not a member of any affiliated group that  
22 produces more than 25,000 gallons of wine per annum or  
23 produces any other alcoholic liquor; (3) will not  
24 annually produce for sale more than 25,000 gallons of  
25 wine; and (4) will not annually sell more than 5,000  
26 gallons of its wine to retail licensees.

1 (D) A self-distribution exemption holder shall  
2 annually certify to the Commission its production of  
3 wine in the previous 12 months and its anticipated  
4 production and sales for the next 12 months. The  
5 Commission may fine, suspend, or revoke a  
6 self-distribution exemption after a hearing if it  
7 finds that the exemption holder has made a material  
8 misrepresentation in its application, violated a  
9 revenue or liquor law of Illinois, exceeded production  
10 of 25,000 gallons of wine in any calendar year, or  
11 become part of an affiliated group producing more than  
12 25,000 gallons of wine or any other alcoholic liquor.

13 (E) Except in hearings for violations of this Act  
14 or amendatory Act or a bona fide investigation by duly  
15 sworn law enforcement officials, the Commission, or  
16 its agents, the Commission shall maintain the  
17 production and sales information of a  
18 self-distribution exemption holder as confidential and  
19 shall not release such information to any person.

20 (F) The Commission shall issue regulations  
21 governing self-distribution exemptions consistent with  
22 this Section and this Act.

23 (G) Nothing in this subsection (17) shall prohibit  
24 a self-distribution exemption holder from entering  
25 into or simultaneously having a distribution agreement  
26 with a licensed Illinois distributor.

1           (H) It is the intent of this subsection (17) to  
2 promote and continue orderly markets. The General  
3 Assembly finds that in order to preserve Illinois'  
4 regulatory distribution system it is necessary to  
5 create an exception for smaller makers of wine as their  
6 wines are frequently adjusted in varietals, mixes,  
7 vintages, and taste to find and create market niches  
8 sometimes too small for distributor or importing  
9 distributor business strategies. Limited  
10 self-distribution rights will afford and allow smaller  
11 makers of wine access to the marketplace in order to  
12 develop a customer base without impairing the  
13 integrity of the 3-tier system.

14           (18) (A) A craft brewer licensee, who must also be  
15 either a licensed brewer or licensed non-resident dealer  
16 and annually manufacture less than 930,000 gallons of beer,  
17 may make application to the Commission for a  
18 self-distribution exemption to allow the sale of not more  
19 than 232,500 gallons of the exemption holder's beer to  
20 retail licensees per year.

21           (B) In the application, which shall be sworn under  
22 penalty of perjury, the craft brewer licensee shall  
23 state (1) the date it was established; (2) its volume  
24 of beer manufactured and sold for each year since its  
25 establishment; (3) its efforts to establish  
26 distributor relationships; (4) that a

1 self-distribution exemption is necessary to facilitate  
2 the marketing of its beer; and (5) that it will comply  
3 with the alcoholic beverage and revenue laws of the  
4 United States, this State, and any other state where it  
5 is licensed.

6 (C) Any application submitted shall be posted on  
7 the Commission's website at least 45 days prior to  
8 action by the Commission. The Commission shall approve  
9 the application for a self-distribution exemption if  
10 the craft brewer licensee: (1) is in compliance with  
11 the State, revenue, and alcoholic beverage laws; (2) is  
12 not a member of any affiliated group that manufacturers  
13 more than 930,000 gallons of beer per annum or produces  
14 any other alcoholic beverages; (3) shall not annually  
15 manufacture for sale more than 930,000 gallons of beer;  
16 and (4) shall not annually sell more than 232,500  
17 gallons of its beer to retail licensees.

18 (D) A self-distribution exemption holder shall  
19 annually certify to the Commission its manufacture of  
20 beer during the previous 12 months and its anticipated  
21 manufacture and sales of beer for the next 12 months.  
22 The Commission may fine, suspend, or revoke a  
23 self-distribution exemption after a hearing if it  
24 finds that the exemption holder has made a material  
25 misrepresentation in its application, violated a  
26 revenue or alcoholic beverage law of Illinois,

1 exceeded the manufacture of 930,000 gallons of beer in  
2 any calendar year or became part of an affiliated group  
3 manufacturing more than 930,000 gallons of beer or any  
4 other alcoholic beverage.

5 (E) The Commission shall issue rules and  
6 regulations governing self-distribution exemptions  
7 consistent with this Act.

8 (F) Nothing in this paragraph (18) shall prohibit a  
9 self-distribution exemption holder from entering into  
10 or simultaneously having a distribution agreement with  
11 a licensed Illinois importing distributor or a  
12 distributor. If a self-distribution exemption holder  
13 enters into a distribution agreement and has assigned  
14 distribution rights to an importing distributor or  
15 distributor, then the self-distribution exemption  
16 holder's distribution rights in the assigned  
17 territories shall cease in a reasonable time not to  
18 exceed 60 days.

19 (G) It is the intent of this paragraph (18) to  
20 promote and continue orderly markets. The General  
21 Assembly finds that in order to preserve Illinois'  
22 regulatory distribution system, it is necessary to  
23 create an exception for smaller manufacturers in order  
24 to afford and allow such smaller manufacturers of beer  
25 access to the marketplace in order to develop a  
26 customer base without impairing the integrity of the

1           3-tier system.

2           (b) On or before April 30, 1999, the Commission shall  
3 present a written report to the Governor and the General  
4 Assembly that shall be based on a study of the impact of this  
5 amendatory Act of 1998 on the business of soliciting, selling,  
6 and shipping alcoholic liquor from outside of this State  
7 directly to residents of this State.

8           As part of its report, the Commission shall provide the  
9 following information:

10           (i) the amount of State excise and sales tax revenues  
11 generated as a result of this amendatory Act of 1998;

12           (ii) the amount of licensing fees received as a result  
13 of this amendatory Act of 1998;

14           (iii) the number of reported violations, the number of  
15 cease and desist notices issued by the Commission, the  
16 number of notices of violations issued to the Department of  
17 Revenue, and the number of notices and complaints of  
18 violations to law enforcement officials.

19           (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13.)

20           (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

21           Sec. 6-20. Transfer, possession, and consumption of  
22 alcoholic liquor; restrictions.

23           (a) Any person to whom the sale, gift or delivery of any  
24 alcoholic liquor is prohibited because of age shall not  
25 purchase, or accept a gift of such alcoholic liquor or have

1 such alcoholic liquor in his possession.

2 (b) If a licensee or his or her agents or employees  
3 believes or has reason to believe that a sale or delivery of  
4 any alcoholic liquor is prohibited because of the non-age of  
5 the prospective recipient, he or she shall, before making such  
6 sale or delivery demand presentation of some form of positive  
7 identification, containing proof of age, issued by a public  
8 officer in the performance of his or her official duties.

9 (c) No person shall transfer, alter, or deface such an  
10 identification card; use the identification card of another;  
11 carry or use a false or forged identification card; or obtain  
12 an identification card by means of false information.

13 (d) No person shall purchase, accept delivery or have  
14 possession of alcoholic liquor in violation of this Section.

15 (e) The consumption of alcoholic liquor by any person under  
16 21 years of age is forbidden.

17 (f) Whoever violates any provisions of this Section shall  
18 be guilty of a Class A misdemeanor.

19 (g) The possession and dispensing, or consumption by a  
20 person under 21 years of age of alcoholic liquor in the  
21 performance of a religious service or ceremony, or the  
22 consumption by a person under 21 years of age under the direct  
23 supervision and approval of the parents or parent or those  
24 persons standing in loco parentis of such person under 21 years  
25 of age in the privacy of a home, is not prohibited by this Act.

26 (h) The provisions of this Act prohibiting the possession

1 of alcoholic liquor by a person under 21 years of age and  
2 dispensing of alcoholic liquor to a person under 21 years of  
3 age do not apply in the case of a student under 21 years of age,  
4 but 18 years of age or older, who:

5 (1) tastes, but does not imbibe, alcoholic liquor only  
6 during times of a regularly scheduled course while under  
7 the direct supervision of an instructor who is at least 21  
8 years of age and employed by an educational institution  
9 described in subdivision (2);

10 (2) is enrolled as a student in a college, university,  
11 or post-secondary educational institution that is  
12 accredited or certified by an agency recognized by the  
13 United States Department of Education or a nationally  
14 recognized accrediting agency or association, or that has a  
15 permit of approval issued by the Board of Higher Education  
16 pursuant to the Private Business and Vocational Schools Act  
17 of 2012;

18 (3) is participating in a culinary arts, food service,  
19 or restaurant management degree program of which a portion  
20 of the program includes instruction on responsible  
21 alcoholic beverage serving methods modeled after the  
22 curriculum provided in Section 6-27.1 of this Act, if that  
23 curriculum is available, or the Beverage Alcohol Sellers  
24 and Server Education and Training (BASSET) curriculum, if  
25 the curriculum provided in Section 6-27.1 of this Act is  
26 unavailable; and

1 (4) tastes, but does not imbibe, alcoholic liquor for  
2 instructional purposes up to, but not exceeding, 6 times  
3 per class as a part of a required course in which the  
4 student temporarily possesses alcoholic liquor for  
5 tasting, not imbibing, purposes only in a class setting on  
6 the campus and, thereafter, the alcoholic liquor is  
7 possessed and remains under the control of the instructor.

8 (Source: P.A. 97-1058, eff. 8-24-12.)

9 (235 ILCS 5/6-27.1 new)

10 Sec. 6-27.1. Responsible alcohol service server training.

11 (a) All alcohol servers are required to obtain and complete  
12 training in basic responsible alcohol service as outlined in  
13 subsection (b) of this Section by July 1, 2015 or within 30  
14 days after the alcohol server begins his or her employment,  
15 whichever is later. There is no limit to the amount of times a  
16 server may take the training. A certificate of training belongs  
17 to the server, and a server may transfer a certificate of  
18 training to a different employer, but shall not transfer a  
19 certificate of training to another server. Proof that an  
20 alcohol server has been trained must be available upon  
21 reasonable request by State law enforcement officials. For the  
22 purpose of this Section, "alcohol servers" means persons who  
23 sell or serve open containers of alcoholic beverages and anyone  
24 whose job description entails the checking of identification  
25 for the purchase of open containers of alcoholic beverages.

1       (b) Responsible alcohol service training must cover and  
2 assess knowledge of the following topics:

3           (1) the physical properties of alcohol, drugs, and  
4 alcoholism, including, but not limited to, blood alcohol  
5 concentration (BAC), alcoholism, the effects of alcohol or  
6 drugs on driving performance, and BAC levels related to  
7 body weight, gender, and amount of alcohol consumed per  
8 hour;

9           (2) prevention and intervention techniques, including,  
10 but not limited to, maintenance of a professional demeanor,  
11 how to handle difficult situations, use of alternative  
12 beverages, designated driver programs, visual and  
13 behavioral cues that may help participants recognize  
14 potential problems, ensuring customer safety, and refusal  
15 of service;

16           (3) State statutes, local ordinances, and laws  
17 concerning driving under the influence, including, but not  
18 limited to, the laws pertaining to the sale of alcohol, the  
19 differences between civil and criminal charges and the  
20 penalties each carries, and laws concerning driving under  
21 the influence and associated penalties;

22           (4) proper identification techniques and police  
23 policies and expectations, including, but not limited to,  
24 Secretary of State procedures to ensure security of  
25 driver's licenses and state identification cards, other  
26 acceptable forms of identification, enhanced

1 identification techniques, and the proper use of municipal  
2 support services, such as police, fire, and paramedic  
3 services; and

4 (5) dram shop liability, insurance, and victim's  
5 rights, including, but not limited to, vicarious  
6 liability, third-party liability, procedures for  
7 protection against possible litigation, State insurance  
8 requirements, and legal terms used in litigation.

9 (b-5) Notwithstanding subsection (h) of this Section, a  
10 program plan shall be submitted for approval to the State  
11 Commission upon the effective date of this amendatory Act of  
12 the 98th General Assembly.

13 (c) Training modules and certificate program plans must be  
14 approved by the State Commission. All documents, materials, or  
15 information related to responsible alcohol service training  
16 program approval that are submitted to the State Commission are  
17 confidential and shall not be open to public inspection or  
18 dissemination and is exempt from disclosure under the Freedom  
19 of Information Act.

20 The State Commission shall only approve programs that meet  
21 the following criteria:

22 (1) the training course covers the content specified in  
23 subsection (b) of this Section;

24 (2) if the training course is classroom based, the  
25 classroom training is at least 4 hours, is available in  
26 English and Spanish, and includes a test;

1           (3) if the training course is online or computer-based,  
2           the course is designed in a way that ensures that no  
3           content can be skipped, is interactive, has audio for  
4           content for servers that have a disability, and includes a  
5           test;

6           (4) training and testing is based on a job task  
7           analysis that clearly identifies and focuses on the  
8           knowledge, skills, and abilities needed to responsibly  
9           serve alcoholic beverages and is developed using best  
10           practices in instructional design and exam development to  
11           ensure that the program is fair and legally defensible;

12           (5) training and testing is conducted by any means  
13           available, including, but not limited to, online,  
14           computer, classroom, or live trainers;

15           (6) the training certificate is issued only after  
16           training is complete and the test has been passed  
17           successfully;

18           (7) the program provides a roster or report to the  
19           State Commission of all servers that have successfully  
20           completed training and testing within 10 business days  
21           after the course is completed and maintains these records  
22           for the entire course certificate validity time period; and

23           (8) the program must provide access on a  
24           24-hour-per-day, 7-days-per-week basis for certificate  
25           verification for State Commission, State law enforcement  
26           officials, and employers to be able to verify certificate

1       authenticity.

2       (d) Nothing in subsection (c) of this Section shall be  
3 construed to require a program to use a test administrator or  
4 proctor.

5       (e) The State Commission shall provide each approved  
6 responsible alcohol service training program provider with an  
7 approval identification number and State seal file to be placed  
8 by the responsible alcohol service training program provider on  
9 each certificate issued.

10       (f) At the completion of an approved responsible alcohol  
11 service server training course and the successful completion of  
12 a test, the course certificate with the approved provider  
13 number and State seal shall be the only verification necessary  
14 or required by law or ordinance that shows that the responsible  
15 alcohol service training course was completed successfully.

16       (g) A responsible alcohol service training certificate  
17 shall be valid for 3 years.

18       (h) The provisions of this Section shall apply beginning  
19 July 1, 2015. From July 1, 2015 through December 31, 2015,  
20 enforcement of the provisions of this Section shall be limited  
21 to education and notification of the requirements to encourage  
22 compliance.

23       Section 99. Effective date. This Act takes effect upon  
24 becoming law.